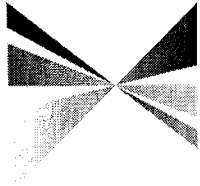


SOUTHERN CALIFORNIA



**ASSOCIATION OF
GOVERNMENTS**

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers: President: Toni Young, Port Hueneme •
First Vice President: Yvonne Burke, Los Angeles
County • Second Vice President: Gary Oviatt, San
Bernardino County • Immediate Past President:
Ron Roberts, Temecula

Imperial County: Victor Carrillo, Imperial
County • Jon Edney, El Centro

Los Angeles County: Yvonne Burke, Los Angeles
County • Zev Yaroslavsky, Los Angeles County •
Jim Aldinger, Manhattan Beach • Harry Baldwin,
San Gabriel • Paul Bowlen, Cerritos • Tony
Cardenas, Los Angeles • Stan Carroll, La Habra
Heights • Margaret Clark, Rosemead • Gene
Daniels, Paramount • Mike Dispenza, Palmdale •
Judy Dunlap, Inglewood • Rae Gabelich, Long
Beach • David Gafin, Downey • Eric Garretti, Los
Angeles • Wendy Greuel, Los Angeles • Frank
Gurulé, Cudahy • James Hahn, Los Angeles •
Janice Hahn, Los Angeles • Isadore Hall,
Compton • Keith W. Hanks, Azusa • Tom
LaBonge, Los Angeles • Paula Lantz, Pomona •
Martin Ludlow, Los Angeles • Cindy
Miskowski, Los Angeles • Paul Nowatka,
Torrance • Pam O'Connor, Santa Monica • Alex
Padilla, Los Angeles • Bernard Parks, Los
Angeles • Jan Perry, Los Angeles • Ed Reyes, Los
Angeles • Greig Smith, Los Angeles • Tom Sykes,
Walnut • Paul Talbot, Alhambra • Sidney Tyler,
Pasadena • Tonia Reyes Uranga, Long Beach •
Antonio Villaraigosa, Los Angeles • Dennis
Washburn, Calabasas • Jack Weiss, Los Angeles
• Bob Yousellian, Glendale • Dennis Zine, Los
Angeles

Orange County: Chris Norby, Orange County •
Christine Barnes, La Palma • John Beauman,
Brea • Lou Bone, Tustin • Art Brown, Buena Park
• Richard Chavez, Anaheim • Debbie Cook,
Huntington Beach • Cathryn DeYoung, Laguna
Niguel • Richard Dixon, Lake Forest • Marilyn
Poe, Los Alamitos • Tod Ridgeway, Newport
Beach

Riverside County: Jeff Stone, Riverside County •
Thomas Buckley, Lake Elsinore • Bonnie
Flickinger, Moreno Valley • Ron Loveidge,
Riverside • Greg Pettis, Cathedral City • Ron
Roberts, Temecula

San Bernardino County: Gary Oviatt, San
Bernardino County • Lawrence Dale, Barstow •
Paul Eaton, Montclair • Lee Ann Garcia, Grand
Terrace • Tim Jasper, Town of Apple Valley • Larry
McCallion, Highland • Deborah Robertson,
Rialto • Alan Wapner, Ontario

Ventura County: Judy Mikels, Ventura County •
Glen Becerra, Simi Valley • Carl Morehouse, San
Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Lou
Correa, County of Orange

Riverside County Transportation Commission:
Robin Lowe, Hemet

Ventura County Transportation Commission:
Keith Millhouse, Moorpark

599 5/24/05

MEETING OF THE **SOLID WASTE TASK FORCE**

NOTE: NEW TIME & MEETING ROOM
Friday February 10, 2006
Riverside B Conference Room
10 a.m. to 12 p.m.

Located at:

SCAG MAIN OFFICE

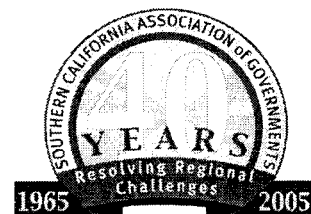
818 West Seventh Street, 12th Floor

Los Angeles, CA 90017

(213) 236-1800

If members of the public wish to review the attachments
or have any questions on any of the agenda items,
please contact Jacob Lieb at 213.236.1921 or
lieb@scag.ca.gov.

SCAG, in accordance with the Americans with Disabilities Act (ADA),
will accommodate persons who require a modification of accommo-
dation in order to participate in this meeting. If you require such
assistance, please contact SCAG at (213) 236-1868 at least 72
hours in advance of the meeting to enable SCAG to make reason-
able arrangements. To request documents related to this document
in an alternative format, please contact (213) 236-1868.



SOLID WASTE TASK FORCE AGENDA

**February 10, 2006
10:00 a.m. to 12:00 p.m.**

PG#

1.0 CALL TO ORDER

**Hon. Toni Young,
Chair**

2.0 PUBLIC COMMENT PERIOD

Members of the public desiring to speak on an agenda time or items not on the agenda, but within the purview of this task force, must notify the Chair and fill out a speaker's card prior to speaking. Comments will be limited to three minutes and the Chair may limit the total time for comments to 20 minutes.

3.0 ROUTINE ITEMS

3.1 MEMBERSHIP LIST AND CONTACT INFORMATION Attachment

3.2 MEETING MINUTES October 25, 2005 MEETING Attachment

4.0 RECEIVE AND FILE

4.1 Legislative Correspondence Attachment

5.0 INFORMATION ITEMS

5.1 Legislative Update Task Force will discuss progress and issues on AB 1090 including a review of the Legislative Study Session on November 16, and also Discuss AB 1497. Attachment

**Hon. Toni Young
Chair**

5.2 Regional Comprehensive Plan Draft Solid and Hazardous Waste Chapter Revised Outline Staff will continue discussion on a proposed new outline for the Chapter's "Existing Conditions" section. Attachment

**Jacob Lieb
Acting Lead Regional Planner
Carolina Morgan
Associate Regional Planner**

SOLID WASTE TASK FORCE AGENDA

**February 10, 2006
10:00 a.m. to 12:00 p.m.**

6.0 ACTION ITEMS

**7.0 SET NEXT MEETING DATE/TIME/LOCATION **Hon. Toni Young,
Chair****

8.0 ADJOURNMENT

SOLID WASTE TASK FORCE AGENDA

February 10, 2006

10:00 a.m. to 12:00 p.m.

Item 3.1

MEMBERSHIP LIST AND CONTACT INFORMATION

February 10, 2006

SOLID WASTE TASK FORCE AGENDA

February 10, 2006

10:00 a.m. to 12:00 p.m.

Name	Address	Phone	Fax	e-mail
Clark, Margaret	Hon. Margaret Clark 3109 N. Prospect Rosemead, CA 91770	(626) 569-2100	(626)307-9218	bcrowe@cityofrosemead.org
Eckenrode, Norman	Hon. Norman Eckenrode Councilmember, City of Placentia 401 E. Chapman Ave. Placentia, CA 92870	(714) 993-8261	(714)961-0283	neckenrode@adelphia.net
Martin, Kay	Ms. Kay Martin Vice President, BioEnergy Producers Assn. 236 Ferro Drive Ventura, CA 93001	(805) 653-5935		kay4bioenergy@aol.com
Miller, Michael	Hon. Michael Miller Mayor, City of West Covina 1444 W. Garvey Ave. West Covina, CA 91793	(939) 814-8400	(939) 814-8406	millereviro@earthlink.net
Mohajer, Mike	Mr. Mike Mohajer P.O. Box 3334 Box 1460 San Dimas, CA 91773	(909) 592-1147	(909) 592-1147	mikemohajer@yahoo.com
Nelson, Larry	Hon. Larry Nelson Councilmember, City of Artesia 18747 Clarkdale Ave Artesia, CA 90701-5899	(562) 865-6262	(562) 865-6240	lnelson@cityofartesia.org
Smith, Greig	Hon. Greig Smith Councilmember, City of Los Angeles – District 12 200 N. Spring Street, 4th FL Room 405 Los Angeles, CA 90012	(213) 473-7012	(213) 473-6925	smith@council.lacity.org
Van Arsdale, Lori	Hon. Lori Van Arsdale Councilmember, City of Hemet 445 E. Florida Ave Hemet, CA 92543	(951) 765-2303	(951) 765-3785	lvansarsdale@ci.hemet.ca.us
Vizcarra, Joe	Mr. Joe Vizcarra Lt. Traffic Operations Center Los Angeles Communications Center California Highway Patrol 120 S. Spring Street Los Angeles, CA 90012	(213) 897-6136	(213) 897-0519	jvizcarra@chp.ca.gov
Young, Toni (Chair)	Hon. Toni Young Councilmember, City of Port Hueneme 766 Polaris Way Port Hueneme, CA 93041-2333	(805) 986-6500	(805) 986-6581	ottoandtoni@verizon.net

SOLID WASTE TASK FORCE AGENDA

**February 10, 2006
10:00 a.m. to 12:00 p.m.**

**Item 3.2
MINUTES, OCTOBER 25 MEETING
February 10, 2006**

SOLID WASTE TASK FORCE AGENDA

**February 10, 2006
10:00 a.m. to 12:00 p.m.**

<p>THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE SOLID WASTE TASK FORCE.</p>

October 25, 2005

1.0 CALL TO ORDER

Chair Toni Young called the meeting to order at approximately 1:00 PM. Attending members were:

**Clark, Margaret
Mohajer, Mike
Smith, Greig
Young, Toni**

2.0 PUBLIC COMMENT PERIOD

There were no comments from the public.

3.0 ROUTINE ITEMS

3.1 Membership List and Contact Information

**3.2 Minutes of June 23, 2005 Meeting
Minutes were approved with two corrections where the meeting date was incorrectly listed.**

4.0 INFORMATION ITEMS

4.1 AB 1090 Update

Staff reviewed discussions with Assembly staff on plans for a hearing to be held in Los Angeles. Councilmember Smith noted that a hearing had in fact been scheduled for November 16 at Los Angeles City Hall. At the request of the Task Force, staff agreed to contact all cities in the region to urge attendance at the session.

4.2 Regional Comprehensive Plan Draft Solid and Hazardous Waste Chapter Revised Outline

Staff introduced a preliminary outline for the Existing Conditions section of the Solid and Hazardous Waste Chapter. Members of the Task Force agreed to provide comments before the next meeting, in which further discussion will be held.

SOLID WASTE TASK FORCE AGENDA

February 10, 2006

10:00 a.m. to 12:00 p.m.

4.3 Underground Rulemaking

Bill Gausewitz, Director of the California Office of Administrative Law, reviewed the “underground rulemaking” issue and his office’s efforts to seek both clarity under existing law and resources for enforcement. There was general agreement among the Task Force members, and Mr Gausewitz, that new regulations and staff will be helpful, but that legislation should still be sought. Staff will agendize the legislative issue for the Energy and Environment Committee to seek conceptual support.

5.0 ACTION ITEMS

5.1 Renew L.A.

Councilman Smith discussed the City of Los Angeles’ efforts to pursue innovative conversion technologies under the “Renew LA” program.

ACTION: The Task Force recommended that SCAG support the Renew LA program.

6.0 SET NEXT MEETING DATE/TIME/PLACE

The next meeting will be held at SCAG on Thursday, December 22 at 10 a.m.

7.0 ADJOURNMENT

The meeting was adjourned at approximately 3 p.m.

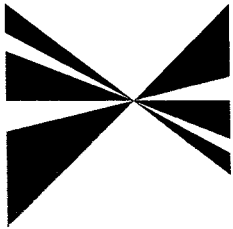
SOLID WASTE TASK FORCE AGENDA

**February 10, 2006
10:00 a.m. to 12:00 p.m.**

Item 4.1

**Legislative Correspondence
February 10, 2006**

SOUTHERN CALIFORNIA



**ASSOCIATION OF
GOVERNMENTS**

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers: President: Toni Young, Port Hueneme •
First Vice President: Yvonne Burke, Los Angeles County •
Second Vice President: Gary Ovitt, San Bernardino County •
Immediate Past President: Ron Roberts, Temecula

Imperial County: Victor Carrillo, Imperial County •
Jon Edney, El Centro

Los Angeles County: Yvonne Burke, Los Angeles County •
Zev Yaroslavsky, Los Angeles County •
Jim Aldinger, Manhattan Beach •
Harry Baldwin, San Gabriel •
Paul Bowlen, Cerritos •
Todd Campbell, Burbank •
Tony Cardenas, Los Angeles •
Stan Carroll, La Habra Heights •
Margaret Clark, Rosemead •
Gene Daniels, Paramount •
Mike Dispenza, Palmdale •
Judy Dunlap, Inglewood •
Rae Gabelich, Long Beach •
David Galin, Downey •
Eric Garcetti, Los Angeles •
Wendy Greuel, Los Angeles •
Frank Gurulé, Cudahy •
Janice Hahn, Los Angeles •
Isadore Hall, Compton •
Keith W. Hanks, Azusa •
Tom LaBonge, Los Angeles •
Paula Lantz, Pomona •
Paul Nowatka, Torrance •
Pam O'Connor, Santa Monica •
Alex Padilla, Los Angeles •
Bernard Parks, Los Angeles •
Jan Perry, Los Angeles •
Ed Reyes, Los Angeles •
Bill Rosendahl, Los Angeles •
Greig Smith, Los Angeles •
Tom Sykes, Walnut •
Paul Talbot, Alhambra •
Sidney Tyler, Pasadena •
Tonia Reyes Uranga, Long Beach •
Antonio Villaraigosa, Los Angeles •
Dennis Washburn, Calabasas •
Jack Weiss, Los Angeles •
Dennis Zine, Los Angeles

Orange County: Chris Norby, Orange County •
Christine Barnes, La Palma •
John Beaman, Brea •
Lou Bone, Tustin •
Art Brown, Buena Park •
Richard Chavez, Anaheim •
Debbie Cook, Huntington Beach •
Cathryn DeYoung, Laguna Niguel •
Richard Dixon, Lake Forest •
Marilynn Poe, Los Alamitos •
Tod Ridgeway, Newport Beach

Riverside County: Jeff Stone, Riverside County •
Thomas Buckley, Lake Elsinore •
Bonnie Flickinger, Moreno Valley •
Ron Loveridge, Riverside •
Greg Pettis, Cathedral City •
Ron Roberts, Temecula

San Bernardino County: Gary Ovitt, San Bernardino County •
Lawrence Dale, Barstow •
Paul Eaton, Montclair •
Lee Ann Garcia, Grand Terrace •
Tim Jasper, Town of Apple Valley •
Larry McCallion, Highland •
Deborah Robertson, Rialto •
Alan Wapner, Ontario

Ventura County: Judy Mikels, Ventura County •
Glen Becerra, Simi Valley •
Carl Morehouse, San Buenaventura •
Toni Young, Port Hueneme

Orange County Transportation Authority: Lou Correa, County of Orange

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Keith Millhouse, Moorpark

January 19, 2005

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

As you know, your Office of Administrative Law is responsible for enforcing the State's Administrative Procedures Act. Last year, the OAL made significant progress in its efforts in enforcing provisions of the act related to underground rulemaking. Of note, the office received new resources in the State budget, and is in the process of promulgating regulations that would establish clear definitions for what constitutes an underground rule.

We are writing to encourage you to continue this progress by pursuing legislation that would incorporate the new underground rulemaking definitions into the statute. In addition, we are asking that you continue to provide budget and staffing support to the Office of Administrative Law such that they can fulfill their role in enforcing the law.

Proposed legislation in 2004 (AB 1351, Vargas), prior to being amended, contained the type of improvements to the statute that our association would support. We urge you to work with your OAL Director and members of the legislature to pursue new legislation that contains these concepts.

Our interest in this matter arises out of our planning and coordination activities for solid waste management, and out of concern for what, at times, can be over-zealous enforcement of the State solid waste diversion mandates. Our association plays a key role in intergovernmental coordination and planning across a wide range of issues. We are preparing a Regional Comprehensive Plan that will feature solid waste management issues, and we have a standing Solid Waste Task Force that serves as a forum for local agencies and stakeholders.

Bill Gausewitz, the Director of OAL, met with our Solid Waste Task Force on October 25, 2005. Mr. Gausewitz has been very helpful in communicating his office's approach in pursuing regulatory abuses and in hearing our concerns.

Thank you for your attention. Please do not hesitate to contact me or Jacob Lieb of SCAG staff if we can be of assistance.

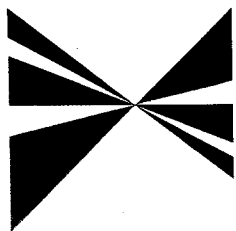
Sincerely,

Councilmember Toni Young, City of Port Hueneme
President, Southern California Association of Governments

Cc: Senator Joseph Dunn
Assemblyman Juan Vargas
Bill Gausewitz



SOUTHERN CALIFORNIA



**ASSOCIATION of
GOVERNMENTS**

Main Office

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

Officers: President: Toni Young, Port Hueneme •
First Vice President: Yvonne Burke, Los Angeles
County • Second Vice President: Gary Oviatt, San
Bernardino County • Immediate Past President:
Ron Roberts, Temecula

Imperial County: Victor Carrillo, Imperial County
• Jon Edney, El Centro

Los Angeles County: Yvonne Burke, Los Angeles
County • Zev Yaroslavsky, Los Angeles County •
Jim Aldinger, Manhattan Beach • Harry Baldwin,
San Gabriel • Paul Bowlen, Cerritos • Todd
Campbell, Burbank • Tony Cardenas, Los Angeles
• Stan Carroll, La Habra Heights • Margaret Clark,
Rosemead • Gene Daniels, Paramount • Mike
Dispenza, Palmdale • Judy Dunlap, Inglewood •
Rae Gabelich, Long Beach • David Gafin, Downey
• Eric Garcetti, Los Angeles • Wendy Greuel, Los
Angeles • Frank Gurulé, Cudahy • Janice Hahn,
Los Angeles • Isadore Hall, Compton • Keith W.
Hanks, Azusa • Tom LaBonge, Los Angeles •
Paula Lantz, Pomona • Paul Nowatka, Torrance •
Pam O'Connor, Santa Monica • Alex Padilla, Los
Angeles • Bernard Parks, Los Angeles • Jan Perry,
Los Angeles • Ed Reyes, Los Angeles • Bill
Rosendahl, Los Angeles • Greig Smith, Los
Angeles • Tom Sykes, Walnut • Paul Talbot,
Alhambra • Sidney Tyler, Pasadena • Tonia Reyes
Uranga, Long Beach • Antonio Villaraigosa, Los
Angeles • Dennis Washburn, Calabasas • Jack
Weiss, Los Angeles • Dennis Zine, Los Angeles

Orange County: Chris Norby, Orange County •
Christine Barnes, La Palma • John Beaman,
Brea • Lou Bone, Tustin • Art Brown, Buena Park
• Richard Chavez, Anaheim • Debbie Cook,
Huntington Beach • Cathryn DeYoung, Laguna
Niguel • Richard Dixon, Lake Forest • Marilyn
Poe, Los Alamitos • Tod Ridgeway, Newport
Beach

Riverside County: Jeff Stone, Riverside County •
Thomas Buckley, Lake Elsinore • Bonnie
Flickinger, Moreno Valley • Ron Loveridge,
Riverside • Greg Pettis, Cathedral City • Ron
Roberts, Temecula

San Bernardino County: Gary Oviatt, San
Bernardino County • Lawrence Dale, Barstow •
Paul Eaton, Montclair • Lee Ann Garcia, Grand
Terrace • Tim Jasper, Town of Apple Valley • Larry
McCallon, Highland • Deborah Robertson, Rialto
• Alan Wapner, Ontario

Ventura County: Judy Mikels, Ventura County •
Glen Becerra, Simi Valley • Carl Morehouse, San
Buenaventura • Toni Young, Port Hueneme

Orange County Transportation Authority: Lou
Correa, County of Orange

Riverside County Transportation Commission:
Robin Lowe, Hemet

Ventura County Transportation Commission:
Keith Millhouse, Moorpark

January 19, 2006

Senator Frank R. Lautenberg
Hart Senate Office Building
Suite 324
Washington, D.C. 20510

Dear Senator Lautenberg:

On behalf of the Southern California Association of Governments, the nation's largest Metropolitan Planning Organization, I want to thank you for offering S1607 dealing with environmental regulation of railroads. Our association is fully in support of the bill.

As you know, there are many solid waste transfer and disposal facilities located on railroad property. Under current law, sole jurisdiction for regulating railroads falls to the Federal Surface Transportation Board. This Board, while the appropriate body for regulating railroads generally, is not equipped to ensure that environmental safeguards are implemented. Your bill corrects this unintended consequence of current law.

While our primary purpose is transportation planning, the Southern California Association of Governments knows that commitment to good environmental stewardship is an integral part of our mission. Therefore, we have sought to foster cooperation and information sharing among the State, counties, and cities in our region on solid waste management issues. Our commitment to environmental issues, cooperative governance, and responsible solid waste management is reflected in our organization's Compass Growth Vision, the Regional Comprehensive Plan, and in the efforts of our Solid Waste Task Force.

We thank for your leadership and foresight on this matter. If there is anything we can do to be of assistance, please don't hesitate to contact me, or Jacob Lieb of SCAG staff at (213) 236-1921.

Sincerely,

Councilmember Toni Young, City of Port Hueneme
President, Southern California Association of Governments



SOLID WASTE TASK FORCE AGENDA

**February 10, 2006
10:00 a.m. to 12:00 p.m.**

**Item 5.1
Legislative Update
February 10, 2006**

ASSEMBLY BILL

No. 1090

Introduced by Assembly Member Matthews

February 22, 2005

An act to amend Sections 40051 and 40201 of, to add Sections 40105.5, 40116.5, 40172.5, and 41781.3 to, and to repeal Section 40117 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1090, as introduced, Matthews. Solid waste: diversion: conversion.

The existing California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board and requires the board and local agencies to promote specified waste management practices, in order of priority. Under existing law, the act requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The first and each subsequent revision of the element is required to divert 50% of the solid waste subject to the element, on and after January 1, 2000, through source reduction, recycling, and composting activities, except as specified.

The act defines the term "transformation" as meaning incineration, pyrolysis, distillation, or biological conversion other than composting. The act provides that "transformation" does not include composting, gasification, or biomass conversion.

This bill would revise the waste management practices that the board and local agencies are required to promote.

The bill would repeal the definition of the term "gasification" and would define the terms "conversion technology," "beneficial use," and

“recovery” for purposes of the act. The bill would revise the definition of the term “transformation” to exclude pyrolysis, distillation, or biological conversion other than composting from that definition and would specify that transformation does not include conversion technology.

The bill would allow the source reduction and recycling element to include, in the 50% of solid waste required to be diverted, solid waste that is subject to recovery through conversion technology, if specified conditions are met with regard to the conversion technology project and the board holds a public hearing and makes certain findings.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40051 of the Public Resources Code is
2 amended to read:

3 40051. In implementing this division, the board and local
4 agencies shall do both of the following:

5 (a) Promote the following waste management practices in
6 order of priority:

7 (1) Source reduction.

8 (2) ~~Recycling and composting~~ *Recovery, through recycling,*
9 *composting, conversion technology, or other beneficial use*
10 *technologies.*

11 (3) Environmentally safe transformation and environmentally
12 safe land disposal, at the discretion of the city or county.

13 (b) Maximize the use of all feasible source
14 reduction, ~~recycling, and composting~~ *and recovery* options in
15 order to reduce the amount of solid waste that must be disposed
16 of by transformation and land disposal. For wastes that cannot
17 feasibly be reduced at their source, ~~recycled, or composted, or~~
18 *recovered for beneficial use*, the local agency may use
19 environmentally safe transformation or environmentally safe land
20 disposal, or both of those practices.

21 SEC. 2. Section 40105.5 is added to the Public Resources
22 Code, to read:

23 40105.5. “Beneficial use” means the point at which solid
24 waste is no longer a solid waste for purposes of this chapter and
25 reenters commerce as a market commodity or feedstock. For

1 purposes of this section, that point occurs when the solid waste is
2 used in a manufacturing process to make a product, used as an
3 effective substitute for a commercial product, or used as a fuel
4 for energy recovery.

5 SEC. 3. Section 40116.5 is added to the Public Resources
6 Code, to read:

7 40116.5. (a) "Conversion technology" means the processing,
8 through noncombustion thermal, chemical or biological
9 processes, other than composting, of solid waste, including, but
10 not limited to, organic materials such as paper, yard trimmings,
11 wood wastes, agricultural wastes, and plastics.

12 "Conversion Technology" includes, but is not limited to,
13 catalytic cracking, distillation, gasification, hydrolysis, and
14 pyrolysis.

15 (b) "Conversion Technology" does not include anaerobic
16 digestion, biomass conversion, aerobic or anaerobic composting,
17 or incineration.

18 (c) "Conversion technology facility" means a facility that
19 produces products, using conversion technology, including, but
20 not limited to, electricity, alternative fuels, chemicals, or other
21 products that meet quality standards for use in the marketplace.

22 SEC. 4. Section 40117 of the Public Resources Code is
23 repealed.

24 ~~40117. "Gasification" means a technology that uses a~~
25 ~~noncombustion thermal process to convert solid waste to a clean~~
26 ~~burning fuel for the purpose of generating electricity, and that, at~~
27 ~~minimum, meets all of the following criteria:~~

28 ~~(a) The technology does not use air or oxygen in the~~
29 ~~conversion process, except ambient air to maintain temperature~~
30 ~~control.~~

31 ~~(b) The technology produces no discharges of air contaminants~~
32 ~~or emissions, including greenhouse gases, as defined in~~
33 ~~subdivision (g) of Section 42801.1 of the Health and Safety~~
34 ~~Code.~~

35 ~~(c) The technology produces no discharges to surface or~~
36 ~~groundwaters of the state.~~

37 ~~(d) The technology produces no hazardous waste.~~

38 ~~(e) To the maximum extent feasible, the technology removes~~
39 ~~all recyclable materials and marketable green waste compostable~~
40 ~~materials from the solid waste stream prior to the conversion~~

1 ~~process and the owner or operator of the facility certifies that~~
2 ~~those materials will be recycled or composted.~~

3 ~~(f) The facility where the technology is used is in compliance~~
4 ~~with all applicable laws, regulations, and ordinances.~~

5 ~~(g) The facility certifies to the board that any local agency~~
6 ~~sending solid waste to the facility is in compliance with this~~
7 ~~division and has reduced, recycled, or composted solid waste to~~
8 ~~the maximum extent feasible, and the board makes a finding that~~
9 ~~the local agency has diverted at least 30 percent of all solid waste~~
10 ~~through source reduction, recycling, and composting.~~

11 SEC. 5. Section 40172.5 is added to the Public Resources
12 Code, to read:

13 40172.5. "Recovery" means the reuse, recycling, and
14 extraction of materials and energy from solid waste, including,
15 but not limited to, recycling, composting, and conversion
16 technology.

17 SEC. 6. Section 40201 of the Public Resources Code is
18 amended to read:

19 40201. "Transformation" means *the incineration, pyrolysis,*
20 *distillation, or biological conversion other than composting or*
21 *combustion of solid waste in an oxygen-rich environment.*
22 "Transformation" does not include composting, *gasification, or*
23 *biomass conversion, or conversion technology.*

24 SEC. 7. Section 41781.3 is added to the Public Resources
25 Code, to read:

26 41781.3. For any city, county, or regional agency source
27 reduction and recycling element submitted to the board after
28 January 1, 1995, the element may include, in the 50 percent of
29 solid waste required to be diverted, as specified in paragraph (2)
30 of subdivision (a) of Section 41780, solid waste subject to
31 recovery through conversion technology, if all of the following
32 conditions are met:

33 (a) The conversion technology project is in compliance with
34 all applicable laws, regulations, and ordinances.

35 (b) The board holds a public hearing in the city, county, or
36 regional agency jurisdiction within which the conversion
37 technology project is proposed, and, after the public hearing, the
38 board makes all of the following findings, based upon substantial
39 evidence in the record:

1 (1) The jurisdiction will continue to implement the recycling
2 and diversion programs in the jurisdiction's source reduction and
3 recycling element or its modified annual report.

4 (2) The facility complements the existing recycling and
5 diversion infrastructure and is converting solid waste that was
6 previously disposed.

7 (3) The facility maintains or enhances environmental benefits.

8 (4) The facility maintains or enhances the economic
9 sustainability of the integrated waste management system.

Assembly Bill No. 1497

CHAPTER 823

An act to amend Sections 44004 and 45011 of, and to add Section 43501.5 to, the Public Resources Code, relating to solid waste.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1497, Montanez. Solid waste facilities: permits.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated solid waste management program. Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and requires the operator of a solid waste landfill to submit to the board and the enforcement agency a plan for the closure and postclosure maintenance of the solid waste landfill and evidence of financial ability to provide for those costs. Existing law prohibits the operator of a solid waste facility from making any significant change in the design or operation of the solid waste facility not authorized by the existing permit, unless the change is approved by the enforcement agency, pursuant to a specified procedure. Existing law requires an operator to appeal a decision of the enforcement agency with regard to the approval of that change.

This bill would require a person who is required to file a closure plan to also file with the enforcement agency a Labor Transition Plan that includes provisions for the preferential reemployment and transfer rights of displaced employees, as specified, and provisions to ensure compliance with existing statutory requirements for relocations, terminations, and mass layoffs that are applicable to certain employers. The bill would require a person submitting a final closure plan to additionally submit a certification to the board and the enforcement agency that the provisions in the labor transition plan will be implemented.

The bill would require an enforcement agency to submit its proposed determination regarding whether a change to the solid waste facility will be approved to the board for comment, and to hold at least one public hearing on the proposed determination, in accordance with specified notice requirements. The bill would also require the enforcement agency to provide notice of an operator's appeal of the enforcement agency's approval of change in the same manner as notice is provided for the

public hearing. The bill would require the enforcement agency to provide notice, as specified, of the hearing.

The bill would require the board to adopt regulations relating to the public hearing and that define the term “significant change in the design or operation of the solid waste facility that is not authorized by the existing permit.” The bill would increase various time periods regarding the filing of an application for revision of the solid waste facilities permit.

The bill would impose a state-mandated local program by imposing new duties upon enforcement agencies with regard to solid waste facilities permits, thereby imposing a state-mandated local program.

(2) Existing law authorizes an enforcement agency to issue an order establishing a time schedule for a solid waste facility to comply with requirements relating to waste management when the enforcement agency determines that the facility is not meeting those requirements. Existing law authorizes the order to provide for an administrative civil penalty in an amount not to exceed \$5,000 per day of violation, and not to exceed a total of \$15,000 in any one calendar year, if compliance is not achieved in accordance with the time schedule. Existing law prohibits imposition of that penalty for the first 3 minor violations of the same requirement, as specified. Existing law requires the enforcement agency, before issuing an order imposing a civil or administrative penalty, to notify the enforcement agency’s governing body and make specified determinations regarding the circumstances of the violation and alternatives to the penalty.

This bill would delete the cap on the total amount of the penalty in one calendar year, delete the prohibition on imposing the penalty for minor violations, and delete the requirement that the enforcement agency take those actions before issuing the order imposing a civil or administrative penalty. The bill would broaden the circumstances under which the order imposing the penalty may be made.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 43501.5 is added to the Public Resources Code, to read:

43501.5. (a) In addition to the requirements of this article, and Section 21780 of Title 27 of the California Code of Regulations, a person who is required to file a final closure plan shall also file with the enforcement agency a Labor Transition Plan that includes all of the following:

(1) Provisions that ensure, subject to any requirements already established pursuant to a collective bargaining agreement, preferential reemployment and transfer rights of displaced employees to comparable available employment with the same employer for a period of no less than one year following the closure of the solid waste facility.

(2) Provisions to provide displaced employees assistance in finding comparable employment with other employers.

(3) Provisions to ensure compliance with all applicable provisions of Chapter 4 (commencing with Section 1400) of Part 4 of Division 2 of the Labor Code.

(b) When submitting the final closure plan, the operator shall submit, in addition to the requirements of subdivision (a), a certification to the board and the enforcement agency that the provisions described in paragraphs (1) to (3), inclusive, of subdivision (a), will be implemented, subject to any requirements already established under a collective bargaining agreement.

(c) For the purposes of this section, “comparable employment” means the same or a substantially similar job classification at equal or greater wage and benefit levels in the same geographic region of the state.

SEC. 2. Section 44004 of the Public Resources Code is amended to read:

44004. (a) An operator of a solid waste facility may not make a significant change in the design or operation of the solid waste facility that is not authorized by the existing permit, unless the change is approved by the enforcement agency, the change conforms with this division and all regulations adopted pursuant to this division, and the terms and conditions of the solid waste facilities permit are revised to reflect the change.

(b) If the operator wishes to change the design or operation of the solid waste facility in a manner that is not authorized by the existing permit, the operator shall file an application for revision of the existing solid waste facilities permit with the enforcement agency. The application shall be filed at least 180 days in advance of the date when the proposed modification is to take place unless the 180-day time period is waived by the enforcement agency.

(c) The enforcement agency shall review the application to determine all of the following:

(1) Whether the change conforms with this division and all regulations adopted pursuant to this division.

(2) Whether the change requires review pursuant to Division 13 (commencing with Section 21000).

(d) Within 60 days from the date of the receipt of the application for a revised permit, the enforcement agency shall inform the operator, and if the enforcement agency is a local enforcement agency, also inform the board, of its determination to do any of the following:

(1) Allow the change without a revision to the permit.

(2) Disallow the change because it does not conform with the requirements of this division or the regulations adopted pursuant to this division.

(3) Require a revision of the solid waste facilities permit to allow the change.

(4) Require review under Division 13 (commencing with Section 21000) before a decision is made.

(e) The operator has 30 days within which to appeal the decision of the enforcement agency to the hearing panel, as authorized pursuant to Article 2 (commencing with Section 44305) of Chapter 4. The enforcement agency shall provide notice of a hearing held pursuant to this subdivision in the same manner as notice is provided pursuant to subdivision (h).

(f) Under circumstances that present an immediate danger to the public health and safety or to the environment, as determined by the enforcement agency, the 180-day filing period may be waived.

(g) (1) A permit revision is not required for the temporary suspension of activities at a solid waste facility if the suspension meets either of the following criteria:

(A) The suspension is for the maintenance or minor modifications to a solid waste unit or to solid waste management equipment.

(B) The suspension is for temporarily ceasing the receipt of solid waste at a solid waste management facility and the owner or operator is in compliance with all other applicable terms and conditions of the solid waste facilities permit and minimum standards adopted by the board.

(2) An owner or operator of a solid waste facility who temporarily suspends operations shall remain subject to the closure and postclosure maintenance requirements of this division and to all other requirements imposed by federal law pertaining to the operation of a solid waste facility.

(3) The enforcement agency may impose any reasonable conditions relating to the maintenance of the solid waste facility, environmental monitoring, and periodic reporting during the period of temporary suspension. The board may also impose any reasonable conditions

determined to be necessary to ensure compliance with applicable state standards.

(h) (1) (A) Before making its determination pursuant to subdivision (d), the enforcement agency shall submit the proposed determination to the board for comment and hold at least one public hearing on the proposed determination. The enforcement agency shall give notice of the hearing pursuant to Section 65091 of the Government Code, except that the notice shall be provided to all owners of real property within a distance other than 300 feet of the real property that is the subject of the hearing, if specified in the regulations adopted by the board pursuant to subdivision (i). The enforcement agency shall also provide notice of the hearing to the board when it submits the proposed determination to the board.

(B) The enforcement agency shall mail or deliver the notice required pursuant to subparagraph (A) at least 10 days prior to the date of the hearing to any person who has filed a written request for the notice with a person designated by the enforcement agency to receive these requests. The enforcement agency may charge a fee to the requester in an amount that is reasonably related to the costs of providing this service and the enforcement agency may require each request to be annually renewed.

(C) The enforcement agency shall consider environmental justice issues when preparing and distributing the notice to ensure that the notice is concise and understandable for limited-English-speaking populations.

(2) If the board comments pursuant to paragraph (1), the board shall specify whether the proposed determination is consistent with the regulation adopted pursuant to subdivision (i).

(i) (1) The board shall, to the extent resources are available, adopt regulations that implement subdivision (h) and define the term "significant change in the design or operation of the solid waste facility that is not authorized by the existing permit."

(2) While formulating and adopting the regulations required pursuant to paragraph (1), the board shall consider recommendations of the Working Group on Environmental Justice and the advisory group made pursuant to Sections 71113 and 71114 and the report required pursuant to Section 71115.

SEC. 3. Section 45011 of the Public Resources Code is amended to read:

45011. (a) If an enforcement agency determines that a solid waste facility or disposal site, is in violation of this division, any regulations adopted pursuant to this division, any corrective action or cease and desist order, or any other order issued under this division, or poses a potential or actual threat to public health and safety or the environment,

the enforcement agency may issue an order establishing a time schedule according to which the facility or site shall be brought into compliance with this division. The order may also provide for a civil penalty, to be imposed administratively by the enforcement agency, in an amount not to exceed five thousand dollars (\$5,000) for each day on which a violation occurs, if compliance is not achieved in accordance with that time schedule.

(b) Before issuing an order that imposes a civil penalty pursuant to subdivision (a), an enforcement agency shall do both of the following:

(1) Notify the operator of the solid waste facility that the facility is in violation of this division.

(2) Upon the request of the operator of the solid waste facility, meet with the operator of the solid waste facility to clarify regulatory requirements and to determine what actions, if any, that the operator may voluntarily take to bring the facility into compliance by the earliest feasible date.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SOLID WASTE TASK FORCE AGENDA

**February 10, 2006
10:00 a.m. to 12:00 p.m.**

**Item 5.2
REGIONAL COMPREHENSIVE PLAN, DRAFT SOLID AND HAZARDOUS
WASTE CHAPTER, REVISED OUTLINE
February 10, 2006**

MEMO

DATE: December 22, 2005

TO: Solid Waste Task Force

FROM: Carolina Morgan, Associate Environmental Planner, SCAG, 213-236-1923
morgan@scag.ca.gov
Jacob Lieb, Senior Regional Planner, Environmental Planning, SCAG, 213-236-1921
lieb@scag.ca.gov

SUBJECT: Existing Conditions Outline - Solid and Hazardous Waste Chapter – Regional Comprehensive Plan

Attached is the draft outline of the '*Existing Conditions*' section of the RCP Chapter on Solid and Hazardous Waste. The purpose of the '*Existing Conditions*' section is to give a general, yet comprehensive, overview of solid and hazardous waste management and conditions within the SCAG region, while at the same time highlight and identify issues that will be discussed in other section of the Chapter.

The format of the prior Chapter draft is substantially different from the new outline. The prior draft section presented data and information on current waste generation, waste disposal and diversion, and landfill capacity conditions for the SCAG region. However, it lacked focus on issues that are of concern for SCAG and within the context of plan. The section merely presented whatever data was available. The complete Chapter will contain, in addition to this section, sections on policy, action, outcomes and interagency coordination.

The purpose of presenting the outline for the Existing Conditions section, at this time, is to seek agreement on what is of interest so that staff can proceed on research and data acquisition. Subsequent to Task Force discussions, staff will present a new draft of the Chapter in approximately six months.

We appreciate your work on this outline to date and look forward to your comments and feedback.

Solid and Hazardous Waste Chapter

Existing Conditions Section –Outline

Chapter Outline

- 1) **Growth and facilities (capacity).** This section will describe the capacity of existing and planned solid waste facilities, compared with projected demand associated with population growth.
- 2) **Diversion**
- 3) **Intergovernmental relations.** This section will describe current and emerging issues between various levels of governments. Specifically, legislation, state mandates, regulations, and legislative and jurisdictional issues including railroad, rule making, etc.
- 4) **Transportation and transfer of solid and hazardous waste.** This section ties into the Regional Transportation Plan (RTP). Specifically, this section will discuss efficiency and safety, and will analyze the relationship between solid waste management practices and transportation systems.
- 5) **Urban Form.** This section will address future urban growth and its implication on solid and hazardous waste production/increase. Specifically, this section will tackle waste disposal and diversion in light of the regions anticipated growth distribution.
- 6) **New and emerging technologies**
- 7) **Performance Objectives and Evaluation**
 - a) **Generation.** Discussion of what is generated.
 - (1) **Solid Waste**
 - (2) **Electronic Waste**
 - (3) **Hazardous Waste**
 - ii) **Diversion.** Discussion of diversion performance in the region.
 - iii) **Disposal.** Discussion of disposal performance in the region.
 - b) **Facilities.** This section will present the existing and proposed solid and hazardous waste in the SCAG region.
 - i) **Existing**
 - (1) **Landfills**
 - (2) **Waste-to-Energy Facilities**
 - (3) **Materials Recovery Facilities**
 - (4) **Transfer Station**

ii) Proposed

- (1) Landfills
- (2) Waste-to-Energy Facilities
- (3) Materials Recovery Facilities
- (4) Transfer Stations

c) Technologies/Alternatives. Discussion of potential and issues regarding conversion technologies.

- i) Waste-to-Energy
- ii) Materials Recovery
- iii) Other